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United States Senate

COMMITTEE ON COMMERCE, SCIENCE,
AND TRANSPORTATION

WASHINGTON, DC 20510-6125

WEBSITE: <http://commerce.senate.gov>

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Feb. 24, 2015

The Honorable Tom Wheeler
Chairman
Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

Dear Chairman Wheeler:

On Feb. 23, *The Washington Post* published a front-page article “Secrecy around Police Surveillance Equipment Proves a Case’s Undoing.” That article indicated that the Tallahassee Police Department and other law enforcement agencies around the country have been using a device called the StingRay to collect cell phone call information.

That article and previous others concerning the device reveal the StingRay was certified for use by the Federal Communications Commission (FCC), contingent upon the conditions that StingRay’s manufacturer sell these devices solely to federal, state, and local public safety and law enforcement; and that state and local law enforcement agencies must coordinate in advance with the Federal Bureau of Investigation (FBI) before acquiring or using this equipment. According to the article, these devices now have been purchased by 48 law enforcement agencies in 20 states and the District of Columbia and used in hundreds of cases.

The use of these devices (also known as ISMI catchers) raises a number of potential privacy and constitutional concerns.

Therefore, I am asking that the FCC report to me on its certification process for the StingRay and any other devices that have similar functionality. In particular, I would like information on the following:

- What information the FCC may have had about the rationale behind the restrictions placed on the certification of the StingRay, and whether similar restrictions have been put in place for other devices;
- Whether the FCC inquired about what oversight may be in place to make sure that use of the devices complied with the manufacturer’s representations to the FCC at the time of certification; and

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- A status report on the activities of the “task force” you previously formed to look at questions surrounding the use of the StingRay and similar devices.

Thank you and I look forward to your response.

Sincerely,

A handwritten signature in blue ink that reads "Bill Nelson". The signature is written in a cursive, flowing style.

Bill Nelson
Ranking Member

cc: John Thune, Chairman